

Message Text

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ORIGIN EB-07

INFO OCT-01 AF-06 ISO-00 AGR-05 CEA-01 CIAE-00 COME-00

DODE-00 FRB-03 H-02 INR-07 INT-05 L-03 LAB-04 NSAE-00

NSC-05 PA-01 AID-05 CIEP-01 SS-15 STR-04 TAR-01

TRSE-00 USIA-06 PRS-01 SP-02 FEAE-00 OMB-01 /086 R

DRAFTED BY EB/IFD/OIA:TRBRODERICK

APPROVED BY EB/IFD/OIA:ECONSTABLE

L/AF:FWILLIS (INFO)

L/EB:PTRIMBLE (DRAFT)

EB/ITP/OT/GCP:MGOLDMAN (INFO)

TREASURY:PDAVIS (INFO)

AF/C:DCARDWELL (DRAFT)

COMMERCE:DARRILL (INFO)

AF/EPS:LWHITE (DRAFT)

CIEP:GKAMENS (INFO)

----- 113401

P 211811Z NOV 75

FM SECSTATE WASHDC

TO AMEMBASSY BANGUI PRIORITY

LIMITED OFFICIAL USE STATE 276134

E.O. 11652: N/A

TAGS: EINV

SUBJECT: EXPROPRIATED U.S. PROPERTY AND ELIGIBILITY FOR
GSP

REFS: (A) BANGUI 1697; (B) STATE 265150

1. AS REPORTED REF B, INTERAGENCY COMMITTEE WILL BE RECON-
SIDERING THE CONTINUED ELIGIBILITY OF THE CAR FOR GSP IN
DECEMBER, AND IT WILL BE DIFFICULT TO SUSTAIN A DETERMI-
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NATION THAT THE CAR IS TAKING STEPS TO DISCHARGE ITS

OBLIGATIONS TO U.S. PROPERTY OWNERS UNDER INTERNATIONAL LAW AS REQUIRED BY THE ACT UNLESS SIGNIFICANT PROGRESS TOWARD RESOLUTION OF THE OUTSTANDING CLAIMS OF TEXACO AND MOBIL IS MADE BY THAT TIME.

2. WE RECOGNIZE THAT THE CAR MAY BE IN FINANCIAL DIFFICULTY, AND WE NEITHER EXPECT NOR REQUIRE FULL COMPENSATION TO BE PROVIDED IMMEDIATELY. IT IS NOT UNREASONABLE, HOWEVER, TO EXPECT SOME PROGRESS SOON TOWARD SETTLEMENT, AND WE EMPHASIZE THAT IT IS IMPORTANT FOR THIS TO OCCUR TO PREVENT THIS ISSUE FROM BECOMING A POSSIBLE IRRITANT IN OUR BILATERAL RELATIONS. AS SUGGESTED REF B, ILLUSTRATIVE INTERIM STEPS MIGHT INCLUDE A RESPONSE BY THE COMPENSATION COMMISSION TO THE CLAIMS SUBMITTED BY THE COMPANIES, OR FOR THE GOCAR OTHERWISE TO BEGIN SERIOUS DISCUSSIONS OR NEGOTIATIONS WITH THEM ON COMPENSATION. FRANCK HIMSELF, IN CONVERSATION WITH DEPUTY SECRETARY OF STATE INGERSOLL, SUGGESTED THAT THE GOCAR MIGHT CONSIDER EXPLORING WITH THE COMPANIES THE POSSIBILITY OF PAYMENT ON AN INSTALLMENT BASIS, AND PROMISED TO EMPHASIZE TO PRESIDENT BOKASSA THE IMPORTANCE OF POSITIVE ACTION BY THE GOCAR IN THE NEAR FUTURE.

3. WITH RESPECT TO CONTEMPLATED GOCAR COURSE OF ACTION REPORTED PARA 2 REF A, IT IS USG VIEW THAT GOCAR ITSELF BEARS ULTIMATE RESPONSIBILITY TO PROVIDE JUST COMPENSATION. WE WOULD HAVE NO OBJECTION, HOWEVER, IF SATISFACTORY ARRANGEMENTS FOR COMPENSATION COULD BE WORKED OUT BETWEEN THE COMPANIES AND THE GOCAR PROVIDING FOR PAYMENTS BY A STATE AGENCY, AND WE WOULD BE INTERESTED IN EMBASSY'S ASSESSMENT WHETHER SUCH A COURSE OF ACTION WOULD BE LIKELY TO RESULT IN SIGNIFICANT PROGRESS TOWARD SETTLEMENT WITHIN THE SHORT TIME AVAILABLE BEFORE OUR REVIEW.

4. CONCERNING FACTORS OUTLINED BY EMBASSY PARAS. 5 AND 6 REF A, THE HICKENLOOPER AMENDMENT ON BILATERAL ASSISTANCE DOES CONTAIN A "NATIONAL INTEREST" WAIVER, BUT THE PRESIDENT'S AUTHORITY TO WAIVE THE REQUIREMENTS OF SECTION 502(B)(4) IS BASED UPON THE "NATIONAL ECONOMIC LIMITED OFFICIAL USE

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REPEAT ECONOMIC INTEREST." WE HAVE NOT YET DETERMINED WHETHER THE CAR WOULD BE ELIGIBLE FOR SUCH A WAIVER. THE GONZALEZ AMENDMENT HAS NO WAIVER PROVISION.

5. EMBASSY SHOULD CONTINUE TO EMPHASIZE TO APPROPRIATE GOCAR OFFICIALS THE IMPORTANCE WHICH THE USG ATTACHES TO THIS ISSUE. KISSINGER

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Message Attributes

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Margaret P. Grafeld
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